

# Notice of Allowability

Application No.

10/037,841

Examiner

J. Allen Shriver

Applicant(s)

LENKMAN, THOMAS E.

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/20/2004.
2. ☒ The allowed claim(s) is/are 28-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/19/2005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's petition to revive the application from abandonment was granted on July 5, 2005. However, Applicant's prior amendment received on May 20, 2004 is still non-compliant. Examiner has agreed with Applicant to enter the amendment via Examiner's amendment, which appears below, to place the application into a condition for allowance.

### ***Drawings***

2. The drawings were received on February 23, 2004. These drawings are approved.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Henry Cummings on October 19, 2005.

The application has been amended as follows:

### **IN THE SPECIFICATION:**

On page 3, the second paragraph has been rewritten as follows:

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The first motion control unit 25 comprises joystick 26. The second motion control unit 27 comprises joystick 28. Cabinet 17 houses commercially available rechargeable batteries 17b, air compressor 17a, motor controller 17m, and charging unit 17u (not shown). Control panel 19 comprises commercially available controls 19c and indicators 19i, and provides information to the user regarding the status of the batteries' charge 19b.

**IN THE CLAIMS:**

Claims 5, 8, 10-11, 13-19 and 21-27 have been cancelled and replaced with the following claims:

Claim 28. A utility transport comprising:

a self-propelled transport assembly;

a receiver;

attaching means to removably attach said transport to a device having wheels and an outwardly extending projection which is to be moved;

whereby said attaching means which may be removably connected to said device, and may be folded out of the way when not in use;

said transport assembly comprising at least two motors and drive wheel units;

means to raise and lower said motor and drive wheel units;

at least two castoring support wheels;

at least one housing;

at least one handle;

means for controlling said assembly;

at least one releasable hitch, and an at least two-piece articulated frame.

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Claim 29. A utility transport comprising motor and drive wheel units according to claim 28, wherein each comprise a variable speed reversible electric motor and a wheel.

Claim 30. A utility transport according to claim 28, wherein said handle which allows a user to move said assembly unit exclusive of its electric motors.

Claim 31. A utility transport according claim 28, wherein said two-piece articulated frame comprises a vertical frame and a lower frame.

Claim 32. A utility transport according to claim 31, wherein said vertical frame provides means for mounting all components.

Claim 33. A utility transport according claim 31, wherein said lower frame is free to move up and down on said vertical frame in order to lift said assembly.

Claim 34. A utility transport comprising:  
a self-propelled transport assembly;  
a receiver;  
attaching means to removably attach said transport to a device having wheels and an outwardly extending projection which is to be moved;  
whereby said attaching means which may be removably connected to said device, and may be folded out of the way when not in use;  
said transport assembly comprising at least two motor and drive wheel units;  
means to raise and lower said motor and drive wheel units;  
at least two castering support wheels;  
at least one housing;  
at least one handle;

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means for controlling said assembly;  
at least one releasable hitch, and an at least two-piece articulated frame;  
second mounting means for mounting said assembly to a lower sub-frame assembly  
which can be raised and lowered;  
at least one mechanical linkage and at least one pneumatic air bag controlled by a  
controller.

Claim 35. A utility transport according to claim 34, wherein said two castering  
support wheels provide support for the unit when it is not moving said device.

Claim 36. A utility transport according to claim 34, further including batteries which  
are rechargeable.

Claim 37. A utility transport according to claim 36, further including charging means  
which may be plugged into any electrical outlet and will provide means to recharge the batteries.

Claim 38. A utility transport according to claim 34, further comprising a compressor  
which provides pressure to inflate said air bags sufficiently to lift one end of an object weighing  
up to 3,000 pounds.

Claim 39. A utility transport according to claim 38, further comprising electrical  
wiring and pneumatic plumbing sufficient to control operation of said assembly.

Claim 40. A utility transport according to claim 34, wherein said means for  
controlling said assembly comprises at least two separate joystick units.

Claim 41. A utility transport according to claim 40, wherein said means for  
controlling said assembly comprises a first joystick having control means to control the speed,  
direction, and forward or reverse motion of the unit.

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Claim 42. A utility transport according to claim 41, wherein said first joystick includes control means to allow very small incremental motion to properly move heavy equipment.

Claim 43. A utility transport according to claim 42, further including a second joystick unit which allows the user to move said utility transport when it is not connected to a piece of equipment.

Claim 44. A utility transport according to claim 34, further including a releasable hitch which provides means to pull or push said device by means of said receiver.

Claim 45. A utility transport according to claim 34, further including a releasable hitch which, one closed, prevents said receiver from coming detached.

#### *Allowable Subject Matter*

4. Claims 28-45 are allowed over the prior art.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. The examiner can normally be reached on Monday, Wednesday and Thursday 6:30 am-6:00 pm and Tuesday 6:30 am-11:00 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914. Any inquiry of a general nature or

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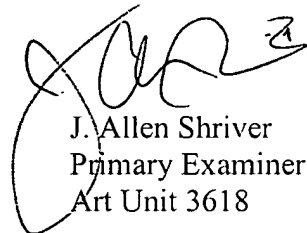
relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: (571) 273-8300 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Allen Shriver  
Primary Examiner  
Art Unit 3618

JAS